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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC IMMEDIATE 1482

C O N F I D E N T I A L SECTION 1 OF 6 BUCHAREST 0265

E.O. 11652: GDS

TAGS: EEWT, RO

SUBJ: NEGOTIATED TEXT OF US-ROMANIAN TRADE AGREEMENT

THE FOLLOWING TEXT HAS BEEN ACCEPTED BY US AND GOR NEGOTIATORS,
AD REFERENDUM, WITHOUT RESERVATIONS. US DELEGATION'S COMMENTS
FORWARDED SEPTELS. MINISTER NICOLAE IS STILL REVIEWING TEXT,
BUT EXPECTS TO FINISH DOING SO BY EARLY JAN. 22. WE ARE
FORWARDING IT NOW TO EXPEDITE WASHINGTON'S CONSIDERATION, AND
DO NOT ANTICIPATE THAT GOR WILL RAISE PROBLEMS.

BEGIN TEXT

AGREEMENT ON TRADE RELATIONS BETWEEN THE UNITED STATES OF AMERICA
AND THE SOCIALIST REPUBLIC OF ROMANIA

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA, CONSCIOUS
OF THE LONG-STANDING FRIENDSHIP BETWEEN THEIR COUNTRIES AND
PEOPLES, DESIRING TO DEVELOP THEIR RELATIONS ON THE BASIS OF
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THE PRINCIPLES SET FORTH IN THE JOINT STATEMENT OF THE PRESIDENTS

OF THE TWO STATES ON DECEMBER 5, 1973, AND REAFFIRMING THE CONTINUING IMPORTANCE OF THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL AND TECHNOLOGICAL COOPERATION OF DECEMBER 5, 1973, HAVING AGREED THAT COMMERCIAL AND ECONOMIC TIES ARE AN IMPORTANT ELEMENT IN THE GENERAL STRENGTHENING OF THEIR BILATERAL RELATIONS, BELIEVING THAT AN AGREEMENT EMBODYING UNDERTAKINGS AND ARRANGEMENTS FOR THE CONDUCT OF TRADE BETWEEN THEIR COUNTRIES WILL SERVE THE INTERESTS OF BOTH PEOPLES, ACKNOWLEDGING THAT FAVORABLE CONDITIONS EXIST FOR THE FURTHER EXPANSION OF TRADE BETWEEN THEIR COUNTRIES, RECOGNIZING THAT IT IS TO THEIR MUTUAL ADVANTAGE TO CONTINUE TO DEVELOPE THEIR COMMERCIAL RELATIONS, HAVE AGREED AS FOLLOWS:

ARTICLE I: MOST FAVORED NATION TREATMENT

1. BOTH PARTIES REAFFIRM THE IMPORTANCE OF THEIR PARTICIPATION IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND THE IMPORTANCE OF THE PROVISIONS AND PRINCIPLES OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE FOR THEIR RESPECTIVE ECONOMIC POLICIES. ACCORDINGLY, THEY SHALL APPLY BETWEEN THEMSELVES THE PROVISIONS OF THE GENERAL AGREEMENT, THE PROTOCOL FOR THE ACCESSION OF ROMANIA OF OCTOBER 15, 1971 AND ANNEXES TO THAT PROTOCOL INCLUDING ANNEX B.

AS PROVIDED IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE THE PARTIES AGREE TO GRANT EACH OTHER'S PRODUCTS MOST-FAVORED NATION TREATMENT IMMEDIATELY AND UNCONDITIONALLY WITH RESPECT TO THE METHOD OF LEVYING SUCH DUTIES AND CHARGES OF ANY KIND IMPOSED ON OR IN CONNECTION WITH IMPORTATION OR EXPORTATION AND WITH RESPECT TO THE METHOD OF LEVYING SUCH DUTIES AND CHARGES AND WITH RESPECT TO ALL RULES AND FORMALITIES IN CONNECTION WITH IMPORTATION AND EXPORTATION AND AS OTHERWISE PROVIDED IN THE GENERAL AGREEMENT ON TARIFFS AND TRADE.

TO THE EXTENT THAT THE PROVISIONS OF THIS AGREEMENT ARE INCONSISTENT WITH THE PROVISIONS OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE, THE PROVISIONS OF THIS AGREEMENT SHALL APPLY.

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2. THE PARTIES AGREE TO MAINTAIN A SATISFACTORY BALANCE OF CONCESSIONS IN TRADE AND SERVICES DURING THE PERIOD OF THE AGREEMENT, AND IN PARTICULAR TO RECIPROCATATE SATISFACTORILY REDUCTIONS BY THE OTHER PARTY IN TARIFFS AND NON-TARIFF BARRIERS TO TRADE THAT RESULT FROM MULTILATERAL NEGOTIATIONS. IN THIS RESPECT, IT IS NOTED THAT ROMANIA, AS A DEVELOPING COUNTRY, COULD BE ELIGIBLE FOR TREATMENT ACCORDED TO DEVELOPING COUNTRIES.

ARTICLE II: EXPANSION OF TRADE

1. THE PARTIES SHALL TAKE APPROPRIATE MEASURES, IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, TO ENCOURAGE AND FACILITATE THE EXCHANGE OF GOODS AND SERVICES BETWEEN THE TWO COUNTRIES ON THE BASIS OF MUTUAL ADVANTAGE IN ACCORDANCE WITH THE PROVISIONS OF THIS AGREEMENT. IN EXPECTATION OF SUCH JOINT EFFORTS, BOTH GOVERNMENTS ENVISION THAT TOTAL BILATERAL TRADE IN COMPARISON WITH THE PERIOD 1972-1974 WILL AT LEAST TRIPLE OVER THE INITIAL THREE-YEAR PERIOD OF THIS

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TO SECSTATE WASHDC IMMEDIATE 1483

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AGREEMENT. IN THIS RESPECT, THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA EXPECTS THAT DURING THE PERIOD OF THIS AGREEMENT ROMANIAN COMPANIES AND ECONOMIC ORGANIZATIONS WILL PLACE SUBSTANTIAL ORDERS IN THE UNITED STATES OF AMERICA FOR MACHINERY AND EQUIPMENT, AGRICULTURAL AND INDUSTRIAL MATERIALS, AND CONSUMER GOODS PRODUCED IN THE UNITED STATES OF AMERICA, WHILE THE GOVERNMENT OF THE UNITED STATES AN-

TICIPATES THAT THE EFFECT OF THIS AGREEMENT WILL BE TO ENCOURAGE INCREASING PURCHASES BY PRIVATE FIRMS AND INDIVIDUALS IN THE UNITED STATES OF SUCH PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA.

2. COMMERCIAL TRANSACTIONS WILL BE EFFECTED ON THE BASIS OF CONTRACTS TO BE CONCLUDED BETWEEN NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND THOSE OF THE SOCIALIST REPUBLIC OF ROMANIA, AND IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. SUCH CONTRACTS WILL GENERALLY BE CONCLUDED ON TERMS CUSTOMARY IN CONFIDENTIAL

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INTERNATIONAL COMMERCIAL PRACTICE.

ARTICLE III: SAFEGUARDS

1. THE PARTIES AGREE TO CONSULT PROMPTLY AT THE REQUEST OF EITHER PARTY SHOULD IT DETERMINE THAT ACTUAL OR PROSPECTIVE IMPORTS OF A PRODUCT ORIGINATING IN THE TERRITORY OF THE OTHER PARTY ARE CAUSING OR THREATEN TO CAUSE, OR ARE SIGNIFICANTLY CONTRIBUTING TO, MARKET DISRUPTION WITHIN A DOMESTIC INDUSTRY OF THE REQUESTING PARTY.

2. EITHER PARTY MAY IMPOSE SUCH RESTRICTIONS AS IT DEEMS APPROPRIATE ON IMPORTS ORIGINATING IN THE TERRITORY OF THE OTHER PARTY TO PREVENT OR REMEDY SUCH ACTUAL OR THREATENED MARKET DISRUPTION.

3. THE PROCEDURES UNDER WHICH THE PARTIES WILL COOPERATE IN APPLYING THE PRESENT ARTICLE ARE SET FORTH IN ANNEX I.

ARTICLE IV: BUSINESS FACILITATION

1. IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF ONE COUNTRY MAY OPEN, ESTABLISH AND OPERATE REPRESENTATIONS IN THE TERRITORY OF THE OTHER PARTY. INFORMATION CONCERNING RULES AND REGULATIONS PERTAINING TO SUCH REPRESENTATIONS AND RELATED FACILITIES SHALL BE PROVIDED BY EACH PARTY UPON THE REQUEST OF THE OTHER.

2. NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF EITHER COUNTRY SHALL NOT CLAIM OR ENJOY IMMUNITIES FROM SUIT OR EXECUTION OF JUDGEMENT OR OTHER LIABILITY IN THE TERRITORY OF THE OTHER PARTY WITH RESPECT TO COMMERCIAL TRANSACTIONS; THEY ALSO SHALL NOT CLAIM OR ENJOY IMMUNITIES FROM TAXATION WITH RESPECT TO COMMERCIAL TRANSACTIONS, EXCEPT AS MAY BE PROVIDED IN OTHER BILATERAL AGREEMENTS.

3. NATIONALS, EXCEPT AS PROVIDED IN ARTICLE IX:2, COMPANIES

AND ECONOMIC ORGANIZATIONS, INCLUDING CORPORATIONS, STOCK COMPANIES
AND OTHER INDUSTRIAL OR FINANCIAL ORGANIZATIONS DOMICILED AND
ORGANIZED UNDER THE LAWS IN FORCE IN THE TERRITORY OF ONE OF
THE PARTIES, SHALL BE PERMITTED TO ENGAGE IN THE TERRITORY OF
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THE OTHER PARTY IN ANY COMMERCIAL ACTIVITY WHICH IS NOT CONTRARY
TO THE LAWS OF SUCH OTHER PARTY, AND SHALL BE AFFORDED ACCESS TO
ALL COURTS AND, WHEN APPLICABLE, TO ADMINISTRATIVE BODIES AS
PLAINTIFFS OR DEFENDANTS, OR OTHERWISE, PROVIDED THEY COMPLY
WITH THE LAWS IN FORCE IN THE TERRITORY OF SUCH OTHER PARTY.

4. NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF
EITHER COUNTRY THAT DESIRE TO ESTABLISH REPRESENTATIONS OR ALREADY
OPERATE REPRESENTATIONS IN THE TERRITORY OF THE OTHER PARTY SHALL
RECEIVE TREATMENT NO LESS FAVORABLE THAN THAT ACCORDED TO NATIONALS,
COMPANIES AND ECONOMIC ORGANIZATIONS OF ANY THIRD COUNTRY IN ALL
MATTERS RELATING THERETO. THE RIGHTS AND PRIVILEGES SET OUT
IN ANNEX 2 SHALL BE AMONG THOSE THAT WILL BE ACCORDED SUCH NATIONALS,
COMPANIES AND ECONOMIC ORGANIZATIONS WHICH ESTABLISH REPRESENTATIONS.

5. FOR THE PURPOSE OF CARRYING ON TRADE BETWEEN THE
TERRITORIES OF THE TWO PARTIES AND ENGAGING IN RELATED COMMERCIAL
ACTIVITIES, NATIONALS OF EACH PARTY AND EMPLOYEES OF ITS
COMPANIES AND ECONOMIC ORGANIZATIONS AND THEIR FAMILIES SHALL
BE PERMITTED TO ENTER, TO RESIDE IN LOCALITIES OF THEIR CHOICE
IN THE TERRITORY OF THE OTHER PARTY, AND TO TRAVEL THEREIN
FREELY, IN ACCORDANCE WITH THE LAWS RELATING TO ENTRY, STAY
AND TRAVEL OF ALIENS.

6. THE PARTIES AFFIRM THAT NO RESTRICTIONS SHALL EXIST
IN PRINCIPLE ON CONTACTS BETWEEN REPRESENTATIVES OF AMERICAN
FIRMS AND ROMANIAN ORGANIZATIONS. TO THIS END, NATIONALS,
COMPANIES AND ECONOMIC ORGANIZATIONS OF EITHER PARTY SHALL BE
PERMITTED WITHIN THE TERRITORY OF THE OTHER PARTY TO DEAL
DIRECTLY WITH BUYERS AND USERS OF THEIR PRODUCTS, FOR PURPOSES
OF SALES PROMOTION AND SERVICING THEIR PRODUCTS, IN ACCORDANCE
WITH THE PROCEDURES AND REGULATIONS APPLICABLE IN EACH COUNTRY.

7. THE PARTIES SHALL AS APPROPRIATE PERMIT AND FACILITATE
ACCESS WITHIN THEIR TERRITORIES BY NATIONALS, ECONOMIC ORGAN-
IZATIONS AND ENTERPRISES OF THE OTHER PARTY TO INFORMATION CONCERNING
ACTUAL AND POTENTIAL MARKETS FOR GOODS AND SERVICES
IN ACCORDANCE WITH THE PROCEDURES AND REGULATIONS APPLICABLE
IN EACH COUNTRY.

8. NATIONALS, EXCEPT AS PROVIDED IN ARTICLE IX:2, COMPANIES
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AND ECONOMIC ORGANIZATIONS OF EITHER PARTY SHALL BE PERMITTED
IN ACCORDANCE WITH PROCEDURES AND REGULATIONS APPLICABLE WITHIN
THE TERRITORY OF THE OTHER PARTY TO ADVERTISE, CONCLUDE CONTRACTS,
AND PROVIDE TECHNICAL SERVICES TO THE SAME EXTENT THAT NATIONALS,
COMPANIES AND ORGANIZATIONS OF THE LATTER PARTY MAY DO SO. DUTY-

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TO SECSTATE WASHDC IMMEDIATE 1484

C O N F I D E N T I A L SECTION 3 OF 6 BUCHAREST 0265

FREE TREATMENT WILL BE ACCORDED TO SAMPLES WITHOUT COMMERCIAL
VALUE AND ADVERTISING MATERIALS.

9. EACH PARTY UNDERTAKES TO FACILITATE TRAVEL BY TOURISTS
AND OTHER VISITORS AND THE DISTRIBUTION OF INFORMATION FOR
TOURISTS.

10. THE PARTIES CONFIRM THEIR COMMITMENT, AS EXPRESSED
IN THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL, AND
TECHNOLOGICAL COOPERATION OF DECEMBER 5, 1973, TO FACILITATE

PARTICIPATION OF THEIR NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS IN FAIRS AND EXHIBITIONS ORGANIZED IN THE OTHER COUNTRY. EACH PARTY FURTHER UNDERTAKES TO ENCOURAGE AND FACILITATE PARTICIPATION BY NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER COUNTRY IN TRADE FAIRS AND EXHIBITS IN ITS TERRITORY, AS WELL AS TO FACILITATE TRADE MISSIONS ORGANIZED IN THE OTHER COUNTRY AND SENT BY MUTUAL AGREEMENT OF THE PARTIES. SUBJECT TO THE LAWS IN FORCE WITHIN THEIR CONFIDENTIAL

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TERRITORIES, THE PARTIES AGREE TO ALLOW THE IMPORT AND RE-EXPORT ON A DUTY-FREE BASIS OF ALL ARTICLES FOR USE BY NATIONALS, ECONOMIC ORGANIZATIONS, AND ENTERPRISES OF THE OTHER PARTY IN FAIRS AND EXHIBITIONS, PROVIDING THAT SUCH ARTICLES ARE NOT SOLD.

ARTICLE V: INDUSTRIAL PROPERTY, INDUSTRIAL RIGHTS AND PROCESSES, AND COPYRIGHTS

1. EACH PARTY SHALL CONTINUE TO PROVIDE NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER WITH RIGHTS WITH RESPECT TO INDUSTRIAL PROPERTY PROVIDED IN THE CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY (AS REVISED AT STOCKHOLM IN 1967).
2. WITH RESPECT TO INDUSTRIAL RIGHTS AND PROCESSES OTHER THAN THOSE REFERRED TO IN PARAS 1 AND 3 OF THIS ARTICLE V, EACH PARTY SHALL PROVIDE THE SAME LEGAL PROTECTION TO NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY THAT IS PROVIDED WITHIN ITS TERRITORY TO ITS OWN NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS.
3. EACH PARTY SHALL PROVIDE TO NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY THE SAME PROTECTION OF THE RIGHTS OF AUTHORS AND OTHERS IN LITERARY, SCIENTIFIC AND ARTISTIC WORKS THAT IS PROVIDED WITHIN ITS TERRITORY TO ITS OWN NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS, WITHOUT ANY FORMALITIES FOR UNPUBLISHED WORKS.

ARTICLE VI: FINANCIAL PROVISIONS

1. NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF EITHER PARTY SHALL BE ACCORDED BY THE OTHER PARTY MOST-FAVORED-NATION TREATMENT WITH RESPECT FINANCIAL TRANSACTIONS AND INSTRUMENTS BETWEEN THE TERRITORIES OF THE TWO PARTIES, AS WELL AS BETWEEN THE TERRITORY OF SUCH OTHER PARTY AND THAT OF ANY THIRD COUNHSY. QNFOR THIS PURPOSE, THE PARTIES AGREE TO GRANT ANY AUTHORIZATION REQUIRED FOR ANY SUCH TRANSFER.
2. ALL FINANCIAL TRANSACTIONS BETWEEN NATIONALS, COMPANIES

AND ECONOMIC ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND
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THOSE OF THE SOCIALIST REPUBLIC OF ROMANIA SHALL BE MADE IN
UNITED STATES DOLLARS OR ANY OTHER FREELY CONVERTIBLE CURRENCY
MUTUALLY AGREED UPON BY SUCH PERSONS AND ORGANIZATIONS, UNLESS
THEY OTHERWISE AGREE. HOWEVER, EXPENDITURES IN THE TERRITORY
OF A PARTY BY NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS
OF THE OTHER PARTY MAY BE MADE IN LOCAL CURRENCY RECEIVED IN AN
AUTHORIZED MANNER IN ACCORDANCE
WITH THE REGULATIONS APPLICABLE TO SUCH EXPENDITURES. NO
RESTRICTIONS SHALL BE PLACED BY EITHER PARTY UPON THE EXPORT
FROM ITS TERRITORY OF FREELY CONVERTIBLE CURRENCIES, OR
DEPOSITS OR INSTRUMENTS REPRESENTATIVE THEREOF, BY THE
NATIONALS, COMPANIES, ECONOMIC ORGANIZATIONS OR GOVERNMENT OF
THE OTHER PARTY, PROVIDED SUCH CURRENCIES, DEPOSITS, OR INSTRU-
MENTS WERE RECEIVED IN AN AUTHORIZED MANNER. IF EITHER PARTY
MAINTAINS MORE THAN ONE RATE OF EXCHANGE, IT SHALL ACCORD TO
NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER
PARTY TREATMENT NO LESS FAVORABLE IN MATTERS RELATING TO RATES
OF EXCHANGE IN ANY CURRENCY THAN IT ACCORDS TO NATIONALS, COMPANIES
AND ECONOMIC ORGANIZATIONS OF ANY THIRD COUNTRY.

3. NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF
EACH PARTY SHALL BE ACCORDED MOST-FAVORED NATION TREATMENT
BY THE OTHER PARTY WITH RESPECT TO THE OPENING AND MAINTAINING
OF ACCOUNTS IN LOCAL AND ANY COVERTIBLE CURRENCY IN FINANCIAL
INSTITUTIONS AND WITH RESPECT TO USE OF LOCAL AND ANY CONVERTIBLE
CURRENCY.

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TO SECSTATE WASHDC IMMEDIATE 1485

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ARTICLE VII: NAVIGATION

1. VESSELS UNDER THE FLAG OF EITHER PARTY, AND CARRYING THE DOCUMENTS REQUIRED BY ITS LAW IN PROOF OF NATIONALITY, SHALL BE DEEMED TO BE VESSELS OF THAT PARTY.
2. THE DOCUMENTS OF A VESSEL, AS WELL AS THE DOCUMENTS REFERRING TO CREWS, ISSUED ACCORDING TO THE LAWS AND REGULATIONS OF THE PARTY UNDER WHOSE FLAG THE VESSEL IS NAVIGATING, WILL BE RECOGNIZED BY THE AUTHORITIES OF THE OTHER PARTY.
3. VESSELS OF EITHER PARTY (OTHER THAN WARSHIPS, AS DEFINED IN THE 1958 GENEVA CONVENTION ON THE HIGH SEAS) SHALL HAVE LIBERTY ON EQUAL TERMS WITH VESSELS OF ANY THIRD COUNTRY, TO COME WITH THEIR CARGOS TO PORTS, PLACES, AND WATERS OF THE OTHER PARTY OPEN TO FOREIGN COMMERCE AND NAVIGATION, EXCEPT INsofar AS REQUIREMENTS OF NATIONAL SECURITY LIMIT SUCH ACCESS; SUCH VESSELS AND CARGOES SHALL THEN IN ALL RESPECTS BE ACCORDED CONFIDENTIAL

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MOST-FAVORED-NATION TREATMENT WITHIN THE PORTS, PLACES AND WATERS OF THE OTHER PARTY EXCEPT INsofar AS MODIFIED BY PORT SECURITY REQUIREMENTS.

4. THE PROVISIONS OF PARA 3 SHALL NOT APPLY TO FISHING VESSELS, FISHERY RESEARCH VESSELS, OR FISHERY SUPPORT VESSELS. THE PARTIES REAFFIRM THE IMPORTANCE OF THEIR AGREEMENT OF DECEMBER 3, 1973, RELATING TO FISHERIES, WHICH SHALL CONTINUE TO APPLY IN ACCORDANCE WITH ITS TERMS.

ARTICLE VIII: DISPUTES SETTLEMENT

1. THE PARTIES REAFFIRM THEIR COMMITMENT, AS EXPRESSED IN THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL AND TECHNOLOGICAL COOPERATION OF DECEMBER 5, 1973, TO PROMPT AND EQUITABLE SETTLE-

MENT OF COMMERCIAL DISPUTES ARISING BETWEEN NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND THE SOCIALIST REPUBLIC OF ROMANIA.

2. THE PARTIES ENCOURAGE THE ADOPTION OF ARBITRATION FOR THE SETTLEMENT OF DISPUTES ARISING OUT OF INTERNATIONAL COMMERCIAL TRANSACTIONS CONCLUDED BETWEEN NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND THOSE OF THE SOCIALIST REPUBLIC OF ROMANIA. SUCH ARBITRATION SHOULD BE PROVIDED FOR BY PROVISIONS IN CONTRACTS BETWEEN SUCH NATIONALS, COMPANIES, AND ECONOMIC ORGANIZATIONS, OR IN SEPARATE AGREEMENTS BETWEEN THEM IN WRITING EXECUTED IN THE FORM REQUIRED FOR SUCH CONTRACTS. SUCH AGREEMENTS (A) SHOULD PROVIDE FOR ARBITRATION UNDER THE RULES OF ARBITRATION OF THE INTERNATIONAL CHAMBER OF COMMERCE IN PARIS; AND (B) SHOULD SPECIFY AS THE PLACE OF ARBITRATION A PLACE IN A COUNTRY OTHER THAN THE UNITED STATES OF AMERICA OR THE SOCIALIST REPUBLIC OF ROMANIA THAT IS A PARTY TO THE 1958 CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS, PROVIDED HOWEVER THAT NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS PARTY TO A CONTRACT MAY DECIDE UPON ANY OTHER FORM OR PLACE OF ARBITRATION ON WHICH THEY MUTUALLY AGREE.

ARTICLE IX: GOVERNMENTAL COMMERCIAL OFFICES

1. IN ORDER TO PROMOTE THE DEVELOPMENT OF TRADE AND
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ECONOMIC RELATIONS BETWEEN THE PARTIES, AND TO PROVIDE ASSISTANCE TO THEIR NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS, EACH PARTY AGREES TO PERMIT AND FACILITATE THE ESTABLISHMENT AND OPERATION OF GOVERNMENTAL COMMERCIAL OFFICES OF THE OTHER PARTY ON A RECIPROCAL BASIS. THE ESTABLISHMENT AND OPERATION OF SUCH OFFICES SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS, AND SUBJECT TO SUCH TERMS, CONDITIONS, PRIVILEGES, AND IMMUNITIES AS MAY BE AGREED UPON BY THE PARTIES. THE PARTIES AGREE THAT ACCESS, FOR COMMERCIAL PURPOSES, TO SUCH OFFICES, BY NATIONALS OF EITHER PARTY WHO ARE ENGAGED IN COMMERCIAL ACTIVITIES WILL BE UNRESTRICTED.

2. GOVERNMENTAL COMMERCIAL OFFICES AND THEIR RESPECTIVE OFFICERS AND STAFF MEMBERS, TO THE EXTENT THAT THEY ENJOY DIPLOMATIC IMMUNITY, SHALL NOT PARTICIPATE DIRECTLY IN THE NEGOTIATION, EXECUTION, OR FULFILLMENT OF TRADE TRANSACTIONS OR OTHERWISE CARRY ON TRADE.

ARTICLE X: NATIONAL SECURITY

THE PROVISIONS OF THIS AGREEMENT SHALL NOT LIMIT THE
RIGHT OF EITHER PARTY TO TAKE ANY ACTION FOR THE PROTECTION

OF ITS SECURITY INTERESTS.

ARTICLE XI: REVIEW

THE AMERICAN-ROMANIAN ECONOMIC COMMISSION, ESTABLISHED IN ACCORDANCE WITH THE JOINT STATEMENT ON ECONOMIC, INDUSTRIAL AND TECHNOLOGICAL COOPERATION OF DECEMBER 5, 1973, SHALL EXAMINE THE OPERATION OF THIS AGREEMENT, AND AS NECESSARY PREPARE RECOMMENDATIONS WHICH SHALL BE PRESENTED TO THE GOVERNMENTS OF BOTH COUNTRIES FOR THE FURTHER IMPROVEMENT OF TRADE RELATIONS BETWEEN THE TWO COUNTRIES.

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ARTICLE XII: DURATION AND ENTRY INTO FORCE

1. THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF EXCHANGE OF WRITTEN NOTICES OF ACCEPTANCE, AND SHALL REMAIN IN FORCE AS PROVIDED IN PARAGRAPH 2.

2. (A) THE INITIAL TERM OF THIS AGREEMENT SHALL BE

THREE YEARS, SUBJECT TO SUBPARAGRAPH (C).

(B) IF EITHER PARTY ENCOUNTERS OR FORESEES A PROBLEM WITH RESPECT TO THE APPLICATION OF THIS AGREEMENT, INCLUDING A PROBLEM CONCERNING ITS DOMESTIC LEGAL AUTHORITY TO CARRY OUT ANY OF ITS OBLIGATIONS UNDER THIS AGREEMENT, SUCH PARTY SHALL REQUEST IMMEDIATE CONSULTATIONS WITH THE OTHER PARTY. ONCE CONSULTATIONS HAVE BEEN REQUESTED, THE OTHER PARTY SHALL ENTER INTO SUCH CONSULTATIONS AS SOON AS POSSIBLE CONCERNING THE CIRCUMSTANCES THAT HAVE ARISEN, WITH A VIEW TO FINDING A SOLUTION WHICH WOULD MAKE ACTION UNDER CONFIDENTIAL

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SUBPARAGRAPH (C) UNNECESSARY.

(C) IF EITHER PARTY IS UNABLE TO CARRY OUT ANY OF ITS OBLIGATIONS UNDER THIS AGREEMENT EITHER PARTY MAY SUSPEND OR TERMINATE THE APPLICABILITY OF THIS AGREEMENT OR, WITH THE AGREEMENT OF THE OTHER PARTY, ANY PART OF THIS AGREEMENT. IF EITHER PARTY TAKES ACTION UNDER THIS SUBPARAGRAPH, THAT PARTY WILL, TO THE FULLEST EXTENT PRACTICABLE AND CONSISTENT WITH DOMESTIC LAW, SEEK TO MINIMIZE DISRUPTION TO EXISTING TRADE RELATIONS BETWEEN THE TWO COUNTRIES.

(D) THIS AGREEMENT SHALL BE EXTENDED FOR SUCCESSIVE PERIODS OF THREE YEARS EACH UNLESS EITHER PARTY HAS NOTIFIED, IN WRITING, THE OTHER PARTY OF THE TERMINATION OF THIS AGREEMENT AT LEAST 30 DAYS PRIOR TO ITS EXPIRATION.

IN WITNESS WHEREOF, THE AUTHORIZED REPRESENTATIVES OF THE PARTIES HAVE SIGNED THIS AGREEMENT.

DONE IN TWO COPIES AT.....THIS.....DAY
OF.....1975, IN ENGLISH AND ROMANIAN, EACH VERSION
BEING EQUALLY AUTHENTIC.

ANNEX I: PROCEDURES FOR THE IMPLEMENTATION OF ARTICLE III

1/A. THE CONSULTATIONS PROVIDED FOR UNDER ARTICLE III SHALL HAVE THE OBJECTIVES OF PRESENTING AND EXAMINING TOGETHER THE BASIS FOR CONCERN OVER IMPORTS THAT MAY BE CAUSING OR THREATENING TO CAUSE OR SIGNIFICANTLY CONTRIBUTING TO MARKET DISRUPTION, AND FINDING A MEANS OF PREVENTING OR REMEDYING SUCH MARKET DISRUPTION. SUCH CONSULTATIONS SHALL PROVIDE FOR A REVIEW OF THE PRODUCTION, MARKET, AND TRADE SITUATION OF THE PRODUCT INVOLVED (AND MAY INCLUDE SUCH FACTORS AS TRENDS IN DOMESTIC PRODUCTION, PROFITS OF FIRMS WITHIN THE INDUSTRY, THE EMPLOYMENT SITUATION, SALES, INVENTORIES, RATES OF INCREASE OF IMPORTS, MARKET SHARE, LEVEL OF IMPORTS, SOURCES OF SUPPLY, THE SITUATION OF THE EXPORTER AND ANY OTHER ASPECT WHICH MAY

CONTRIBUTE TO THE EXAMINATION OF THE SITUATION).

BOTH PARTIES IN CARRYING OUT THESE CONSULTATIONS SHALL
TAKE DUE ACCOUNT OF ANY CONTRACTS BETWEEN NATIONALS, COMPANIES
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AND ECONOMIC ORGANIZATIONS OF THE UNITED STATES OF AMERICA AND
THE SOCIALIST REPUBLIC OF ROMANIA CONCLUDED PRIOR TO THE REQUEST
FOR CONSULTATIONS.

SUCH CONSULTATIONS SHALL BE CONCLUDED WITHIN NINETY DAYS
OF THE REQUEST, UNLESS OTHERWISE AGREED DURING THE COURSE
OF SUCH CONSULTATIONS.

1/B. UNLESS A DIFFERENT SOLUTION IS AGREED UPON DURING
THE CONSULTATIONS, THE QUANTITATIVE IMPORT LIMITATIONS OR OTHER
RESTRICTIONS STATED BY THE IMPORTING PARTY TO BE NECESSARY
TO PREVENT OR REMEDY THE MARKET DISRUPTION IN QUESTION SHALL
BE IMPLEMENTED.

1/C. AT THE REQUEST OF THE IMPORTING PARTY, IF IT
DETERMINES THAT AN EMERGENCY SITUATION EXISTS, THE LIMITATIONS
OR OTHER RESTRICTIONS REFERRED TO IN ITS REQUEST FOR CONSULT-
TATIONS SHALL BE PUT INTO EFFECT PRIOR TO THE CONCLUSION OF SUCH
CONSULTATIONS.

1/D. THE RIGHTS OF THE EXPORTING PARTY REFERRED TO IN
PARA 4 (D) OF THE PROTOCOL FOR THE ACCESSION OF ROMANIA TO
THE GATT OF OCTOBER 15, 1971 SHALL APPLY IN THE EVENT THAT
ACTION CONTEMPLATED IN THIS ANNEX IS TAKEN.

1/A. IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS,
EACH PARTY SHALL TAKE APPROPRIATE MEASURES TO ENSURE THAT EXPORTS
FROM ITS COUNTRY OF THE PRODUCTS CONCERNED TO NOT EXCEED THE
QUANTITIES OR VARY FROM THE RESTRICTIONS ESTABLISHED FOR
IMPORTS OF SUCH PRODUCTS INTO THE OTHER COUNTRY PURSUANT TO
PARAGRAPH 1 OF THIS ANNEX.

2/B. EACH PARTY MAY TAKE APPROPRIATE MEASURES WITH RESPECT
TO IMPORTS INTO ITS COUNTRY TO ENSURE THAT IMPORTS OF PRODUCTS
ORIGINATING IN THE OTHER COUNTRY COMPLY WITH SUCH QUANTITATIVE
LIMITATIONS OR OTHER RESTRICTIONS.

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05

PA-01 RSC-01 PRS-01 SP-02 SS-15 AGR-05 CEA-01 COME-00

EB-07 FRB-03 INT-05 LAB-04 AID-05 CIEP-01 STR-01

TAR-01 TRSE-00 FEAE-00 OMB-01 SAJ-01 LOC-01 SCS-03

SCA-01 DLOS-03 CG-00 COA-01 DOTE-00 FMC-01 OES-03

CPR-01 ACDA-05 OPR-01 /106 W
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ANNEX 2: BUSINESS FACILITATION

NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS SHALL ENJOY
THE FOLLOWING RIGHTS AND PRIVILEGES IN CONNECTION WITH
COMMERCIAL ACTIVITIES IN THE TERRITORY OF THE OTHER PARTY.

1. APPLICATIONS TO ESTABLISH REPRESENTATIONS AND TO OBTAIN
ANY NECESSARY ACCREDITATION SHALL BE HANDLED EXPEDITIOUSLY
AND SHALL BE PROCESSED AND ACTED UPON IN ACCORDANCE WITH
PROCEDURES AND STANDARDS NO LESS FAVORABLE THAN THOSE
ACCORDED TO THE ENTERPRISES OF ANY THIRD COUNTRIES.

2. REVOCATION OR REFUSAL TO RENEW ACCREDITATION TO OPERATE
SUCH REPRESENTATIONS SHALL REQUIRE NOTICE IN WRITING AT
LEAST THREE MONTHS PRIOR TO TERMINATION OF RIGHT TO SUCH
REPRESENTATION.

3. SUCH REPRESENTATION SHALL CONSIST OF NATURAL OR LEGAL
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PERSONS AND SHALL BE ESTABLISHED AND OPERATED IN ACCORDANCE
WITH PROCEDURES AND REGULATIONS IN THE HOST COUNTRY.

TERMINATION OF THE SERVICES OF A COMMERCIAL AGENCY SHALL NOT BE SUBJECT TO ANY PENALTIES WHEN IT DOES NOT CONTRAVENE THE PROVISIONS OF ANY CONTRACT EXISTING BETWEEN THE COMMERCIAL AGENCY AND THE CONTRACTING FIRM.

4. THE PARTIES RECOGNIZE THAT REASONABLE LEVELS AND APPLICATION OF FEES, TAXES, RENTS, AND OTHER CHARGES, AND ADEQUATE NOTICE OF CHANGES THEREIN TO THE AFFECTED COMPANIES AND ECONOMIC ORGANIZATIONS, ARE BENEFICIAL TO COMMERCE BETWEEN THEIR TERRITORIES AND TO COOPERATION BETWEEN THEIR NATIONALS.

4. SUCH NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS SHALL BE PERMITTED TO RENT OFFICE SPACE FOR THE REPRESENTATION AND HOUSING FACILITIES FOR THE USE OF EMPLOYEES OF THE FIRM. THE PARTIES, UPON REQUEST, WILL USE THE GOOD OFFICES AT THEIR DISPOSAL TO FACILITATE AND EXPEDITE THE OBTAINING AND OCCUPYING OF SUCH OFFICE SPACE AND HOUSING FACILITIES.

6. SUCH NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS SHALL BE PERMITTED TO IMPORT, AS PROMPTLY AS DESIRED, OFFICE MACHINES, AUTOMOBILES, AND OTHER EQUIPMENT FOR THE PURPOSE OF EFFICIENT AND BUSINESSLIKE OPERATION OF THE REPRESENTATION, SUBJECT TO APPLICABLE CUSTOMS REGULATIONS.

7. THE EMPLOYEES OR REPRESENTATIVES OF SUCH NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS SHALL BE PERMITTED TO IMPORT PERSONAL EFFECTS INCLUDING FURNITURE AND APPLIANCES. SUCH PERSONAL EFFECTS SHALL BE ENTERED DUTY-FREE IN ACCORDANCE WITH APPLICABLE CUSTOMS REGULATIONS. AUTOMOBILES AND SIMILAR MEANS OF TRANSPORTATION IMPORTED FOR THE USE OF SUCH EMPLOYEES OR REPRESENTATIVES, WILL BE PERMITTED TO ENTER IN ACCORDANCE WITH THE APPLICABLE CUSTOMS REGULATIONS. SUCH EMPLOYEES AND REPRESENTATIVES SHALL ALSO BE PERMITTED TO EXPORT THEIR IMPORTED PERSONAL EFFECTS AND AUTOMOBILES, FREE OF EXPORT DUTIES.

8. SUCH NATIONALS, COMPANIES, AND ECONOMIC ORGANIZATIONS MAY ACQUIRE COMMUNICATIONS FACILITIES, SUCH AS TELEPHONES, CONFIDENTIAL

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EXTENSIONS, AND TELEX EQUIPMENT, WHICH WILL BE MADE AVAILABLE AS PROMPTLY AS POSSIBLE UPON APPLICATION THEREFOR, IN ACCORDANCE WITH APPLICABLE LAW.

9. SUCH NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS MAY, SUBJECT TO THE APPLICABLE LAWS AND PROCEDURES, SELECT AND EMPLOY ANY PERSON, REGARDLESS OF NATIONALITY, LAWFULLY RESIDING IN OR ADMITTED TO THE TERRITORY OF SUCH OTHER PARTY. NEITHER PARTY SHALL IMPOSE RESTRICTIONS ON THE

TERMINATION OF EMPLOYEES, OTHER THAN THE CONTRACTUAL PROVISIONS REQUIRING NOTICE AND COMPENSATION. NEITHER PARTY SHALL RESTRICT THE TOTAL NUMBER OF PERSONS TO BE EMPLOYED AS LONG AS THEY ARE REASONABLY NEEDED FOR THE CONDUCT OF BUSINESS. SUCH NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS SHALL HIRE, COMPENSATE, AND TERMINATE THE EMPLOYMENT OF EMPLOYEES IN ACCORDANCE WITH THE PROVISIONS OF CONTRACTS GOVERNING THEIR EMPLOYMENT. EACH PARTY AGREES TO ENCOURAGE THE NEGOTIATION OF CONTRACTS IN SUCH A WAY THAT THE NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER PARTY SHALL HAVE THE BROADEST POSSIBLE FLEXIBILITY IN SELECTING, HIRING AND COMPENSATING EMPLOYEES AND IN TERMINATING THEIR EMPLOYMENT.

10. EACH PARTY AGREES TO FACILITATE TO THE MAXIMUM EXTENT POSSIBLE THE TRAVEL OF PERSONS EMPLOYED BY NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER COUNTRY DESIRING TO ENTER ITS TERRITORY IN FURTHERANCE OF THE PURPOSES OF THIS AGREEMENT, AND TO MEMBERS OF THEIR IMMEDIATE FAMILIES. EACH PARTY AGREES TO MAKE AVAILABLE MULTIPLE ENTRY VISAS OF DURATION OF 6 MONTHS OR LONGER TO SUCH PERSONS AND TO MEMBERS OF THEIR IMMEDIATE FAMILIES. PERSONS WHO ARE EMPLOYEES OF NATIONALS, COMPANIES AND ECONOMIC ORGANIZATIONS OF THE OTHER COUNTRY SHALL BE PERMITTED TO THE MAXIMUM EXTENT POSSIBLE, IN ACCORDANCE WITH APPLICABLE REGULATIONS, TO TRAVEL ABROAD FOR PURPOSES RELATED TO THE BUSINESS OF THEIR EMPLOYERS.

11. EACH PARTY AGREES TO PROVIDE ITS GOOD OFFICES TO ASSIST IN THE SOLUTION OF BUSINESS FACILITATION PROBLEMS AND IN GAINING ACCESS TO APPROPRIATE GOVERNMENT OFFICIALS IN EACH COUNTRY.
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END TEXT

CCN: 4TH LINE OF CABLE AFTER SUBJECT: CHANGE TO READ QUOTE FINISH
DOING SO BY EARLY THURSDAY JAN 23 END QUOTE

CCN: ARTICLE 7 PARA 4 LINE 4 CHANGE TO READ QUOTE DECEMBER 4, 1973
ENDQUOTE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Current Classification: UNCLASSIFIED
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Draft Date: 22 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
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Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

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Status: NATIVE
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NEGOTIATORS
TAGS: EEWT, ETRD, RO, US
To: STATE
Type: TE
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